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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/058,805   | 01/30/2002  | Hiroyuki Tomoike     | Q68279              | 4726             |
| 7590   | 10/23/2006  |                      | EXAMINER            |                  |
| SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC<br>2100 Pennsylvania Avenue, N.W.<br>Washington, DC 20037-3213 |             |                      | NGUYEN, THANH T     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2144                |                  |

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                             |                   |
|------------------------------|-----------------------------|-------------------|
| <b>Office Action Summary</b> | Application No.             | Applicant(s)      |
|                              | 10/058,805                  | TOMOIKE, HIROYUKI |
|                              | Examiner<br>Tammy T. Nguyen | Art Unit<br>2144  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 30 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |



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***Detailed Office Action***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 1, 2006 has been entered.
2. Claims 1-7 are presented for examination.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

5. The "invention" for the purpose of the first paragraph analysis is defined by the claims.

The description requirement is simply that the claimed subject matter must be described in the specification. The function of the description requirement is to ensure that the applicant had possession of the invention on the filing date of the application. The application need not describe the claim limitations exactly, but must be sufficiently clear for one of ordinary skill in the art to recognize that the applicant's invention encompasses the recited limitations. The description requirement is not met if the application does not expressly or inherently disclose the claimed invention.

6. Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize the following steps as recited in claim 1 and similar bold-faced amended terms in other claims 2-7:
7. *A plurality of mobile station and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.*
8. Claims 1-7 are unclear that the one ordinarily skilled in the art cannot recognize the encompassed claim limitations. Especially, limitations of independent claims are not found supported by the specification of this instant application. Thus are unclear how they would have been encompassed as well.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr et al., (hereinafter Martin) U.S. Patent No. 6,610,105 in view of Chern et al., (hereinafter Chern) U.S. Patent No. 6,381,465.

11. As to claim 1, Martin, Jr discloses the invention substantially as claimed, Martin, Jr teaches including a mobile communication system, comprising: a portable information terminal unit [see Martin Jr, mobile device 106 of fig.1A, and col.5, lines 26-31, (Base station control radio or telecommunication links with mobile device 106)]; mobile stations capable of participating simultaneously in communication with said portable [(see Martin Jr, Base station 102 of fig.2A, and col.5, lines 23-25, col.6, lines 40-45, (mobile device 106 is capable of communicating wirelessly with antenna 108 by airnet 102, and the airnet communicates simultaneously with a plurality of mobile devices)]. A packet mobile switching center which is adapted to communicate with said mobile stations through a radio access network [see Martin Jr, col.5, lines 6-40](the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users); a packet mobile gateway switching center which is adapted to communicate with said packet mobile switching center through a mobile data network [gateway server see Martin Jr, in

fig.2A as link server 114, and see col.5, lines 40-67] (between landnet 100 and airnet 102 there is a server device 114 functioning as a bridge between the two networks and server 114, also referred to as a link server, proxy server, wireless data server or network gateway server); and a content server which is adapted to communicate with said packet mobile gateway switching center through the Internet [see Martin Jr, server 134, 132 communicate with link server 114 through the internet 104, and host server 128 with database 130, also see col.6, lines 52 to col.7, line 33] (database 130 can be an independent storage location or physically a part of host server). However, Martin Jr does not explicitly disclose a plurality of mobile station and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.

12. In the same field of endeavor, Chern discloses (e.g., a system and method for attaching an advertisement to an SMS....wireless transmission). Chern discloses a plurality of mobile station [see Chern, col.5, lines 40-58, (network 140 is typically comprised of a plurality of base station that provide replay point for communication network)] and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data [see Chern, col.13, lines 12-21, (Alternatively, the

program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)]

13. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chern's teachings of a system and method for attaching an advertisement to an SMS message for wireless transmission with the teachings of Martin Jr, for the purpose of updating scripts and/or prompts may be downloaded for server to handset [see Chern, col.6, lines43-45]. Thus, providing the motivation by stating that there exist a need to minimize the amount of memory required in handset, memory costs and airtime costs [see Chern col.6, lines 46-50].

14. As to claim 2, Martin, Jr discloses the invention substantially as claimed, Martin, Jr teaches including a mobile communications system comprising: a portable information terminal unit [see Martin Jr, mobile device 106 of fig.1A, and col.5, lines 26-31, (Base station control radio or telecommunication links with mobile device 106)]; wherein: said portable information terminal unit is adapted to communicate with a mobile stations [(see Martin Jr, Base station 102 of fig.2A, and col.5, lines 23-25, col.6, lines 40-45, (mobile device 106 is capable of communicating wirelessly with antenna 108 by airnet 102, and the airnet communicates simultaneously with a plurality of mobile devices)]; mobile stations are capable of participating simultaneously in communication with a packet mobile switching center through a radio access network [see Martin Jr, col.5, lines 6-40](the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users); said packet mobile switching center is adapted to communicate with a

packet mobile gateway switching center through a mobile data network [gateway server see Martin Jr, in fig.2A as link server 114, and see col.5, lines 40-67](between landnet 100 and airnet 102 there is a server device 114 functioning as a bridge between the two networks and server 114, also referred to as a link server, proxy server , wireless data server or network gateway server), said mobile gateway switching center is adapted to communicate with a content server through the Internet [see Martin Jr, server 134, 132 communicate with link server 114 through the internet 104, and host server 128 with database 130, also see col.6, lines 52 to col.7, line 33] (database 130 can be an independent storage location or physically a part of host server). However, Martin Jr does not explicitly disclose a plurality of mobile station and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.

15. In the same field of endeavor, Chern discloses (e.g., a system and method for attaching an advertisement to an SMS....wireless transmission). Chern discloses a plurality of mobile station [see Chern, col.5, lines 40-58, (network 140 is typically comprised of a plurality of base station that provide replay point for communication network)] and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data [see Chern, col.13, lines 12-21, (Alternatively, the

program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)].

16. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chern's teachings of a system and method for attaching an advertisement to an SMS message for wireless transmission with the teachings of Martin Jr, for the purpose of updating scripts and/or prompts may be downloaded for server to handset [see Chern, col.6, lines43-45]. Thus, providing the motivation by stating that there exist a need to minimize the amount of memory required in handset, memory costs and airtime costs [see Chern col.6, lines 46-50].

17. As to claim 3, Martin, Jr discloses the invention substantially as claimed, Martin, Jr teaches including a mobile communications system comprising: mobile stations connect to the packet switching center, are adapted to communicate with a packet mobile switching center through a radio access network [see Martin Jr, col.5, lines 6-40](the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users); said packet mobile switching center is adapted to communicate with a packet mobile gateway switching center through a mobile data network[gateway server see Martin Jr, in fig.2A as link server 114, and see col.5, lines 40-67](between landnet 100 and airnet 102 there is a server device 114 functioning as a bridge between the two networks and server 114, also referred to as a link server, proxy server , wireless data server or network gateway server) said mobile gateway switching center is adapted to communicate with a

content server through the Internet [see Martin Jr, server 134, 132 communicate with link server 114 through the internet 104, and host server 128 with database 130, also see col.6, lines 52 to col.7, line 33] (database 130 can be an independent storage location or physically a part of host server). However, Martin Jr does not explicitly disclose a plurality of mobile station and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.

18. In the same field of endeavor, Chern discloses (e.g., a system and method for attaching an advertisement to an SMS....wireless transmission). Chern discloses a plurality of mobile station [see Chern, col.5, lines 40-58, (network 140 is typically comprised of a plurality of base station that provide replay point for communication network)] and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data [see Chern, col.13, lines 12-21, (Alternatively, the program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)].

19. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chern's teachings of a system and method for attaching an advertisement to an SMS message for wireless transmission with the teachings of Martin Jr, for the purpose of updating scripts and/or prompts may be

downloaded for server to handset [see Chern, col.6, lines43-45]. Thus, providing the motivation by stating that there exist a need to minimize the amount of memory required in handset, memory costs and airtime costs [see Chern col.6, lines 46-50].

20. As to claim 4, Martin, Jr discloses the invention substantially as claimed, Martin, Jr teaches including a packet mobile switching center which is adapted to communicate with a plurality of mobile stations through a radio access network wherein; mobile stations are capable of participating simultaneously in communication with portable information unit [see Martin Jr, col.5, lines 6-40](the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users); said packet mobile switching center is adapted to communicate with a packet mobile gateway switching center through a mobile data network [gateway server see Martin Jr, in fig.2A as link server 114, and see col.5, lines 40-67](between landnet 100 and airnet 102 there is a server device 114 functioning as a bridge between the two networks and server 114, also referred to as a link server, proxy server , wireless data server or network gateway server), said mobile gateway switching center is adapted to communicate with a content server through the Internet [see Martin Jr, server 134, 132 communicate with link server 114 through the internet 104, and host server 128 with database 130, also see col.6, lines 52 to col.7, line 33] (database 130 can be an independent storage location or physically a part of host server). However, Martin Jr does not explicitly disclose a plurality of mobile station and portable information unit is adapted to download or upload data from or to said content

server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.

21. In the same field of endeavor, Chern discloses (e.g., a system and method for attaching an advertisement to an SMS....wireless transmission). Chern discloses a plurality of mobile station [see Chern, col.5, lines 40-58, (network 140 is typically comprised of a plurality of base station that provide replay point for communication network)] and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data [see Chern, col.13, lines 12-21, (Alternatively, the program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)].
22. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chern's teachings of a system and method for attaching an advertisement to an SMS message for wireless transmission with the teachings of Martin Jr, for the purpose of updating scripts and/or prompts may be downloaded for server to handset [see Chern, col.6, lines43-45]. Thus, providing the motivation by stating that there exist a need to minimize the amount of memory required in handset, memory costs and airtime costs [see Chern col.6, lines 46-50].

23. As to claim 5, Martin, Jr discloses the invention substantially as claimed, Martin, Jr teaches including a packet mobile gateway switching center which is adapted to communicate with a packet mobile switching center is adapted to communicate with a mobile station through a radio access network; mobile stations are capable of participating simultaneously in communication with portable information unit [see Martin Jr, col.5, lines 6-40](the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users), said mobile gateway switching center is adapted to communicate with a content server through the Internet [see Martin Jr, server 134, 132 communicate with link server 114 through the internet 104, and host server 128 with database 130, also see col.6, lines 52 to col.7, line 33] (database 130 can be an independent storage location or physically a part of host server). However, Martin Jr does not explicitly disclose a plurality of mobile station and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.

24. In the same field of endeavor, Chern discloses (e.g., a system and method for attaching an advertisement to an SMS....wireless transmission). Chern discloses a plurality of mobile station [see Chern, col.5, lines 40-58, (network 140 is typically comprised of a plurality of base station that provide replay point for communication network)] and portable information unit is adapted to download or upload data from or to said content server.

through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data [see Chern, col.13, lines 12-21, (Alternatively, the program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)].

25. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chern's teachings of a system and method for attaching an advertisement to an SMS message for wireless transmission with the teachings of Martin Jr, for the purpose of updating scripts and/or prompts may be downloaded for server to handset [see Chern, col.6, lines43-45]. Thus, providing the motivation by stating that there exist a need to minimize the amount of memory required in handset, memory costs and airtime costs [see Chern col.6, lines 46-50].

26. As to claim 6, Martin, Jr discloses the invention substantially as claimed, Martin, Jr teaches including a contents server which is adapted to communicate with a packet mobile gateway switching center through the Internet, wherein said packet mobile switching center is adapted to communicate with a packet mobile gateway switching center through a mobile data network [gateway server see Martin Jr, in fig.2A as link server 114, and see col.5, lines 40-67](between landnet 100 and airnet 102 there is a server device 114 functioning as a bridge between the two networks and server 114, also referred to as a link server, proxy server , wireless data server or network gateway server), mobile stations capable of participating simultaneously in communication with

said portable [(see Martin Jr, Base station 102 of fig.2A, and col.5, lines 23-25, col.6, lines 40-45, (mobile device 106 is capable of communicating wirelessly with antenna 108 by airnet 102, and the airnet communicates simultaneously with a plurality of mobile devices)]. A packet mobile switching center which is adapted to communicate with said mobile stations through a radio access network [see Martin Jr, col.5, lines 6-40](the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users). However, Martin Jr does not explicitly disclose a plurality of mobile station and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.

27. In the same field of endeavor, Chern discloses (e.g., a system and method for attaching an advertisement to an SMS....wireless transmission). Chern discloses a plurality of mobile station [see Chern, col.5, lines 40-58, (network 140 is typically comprised of a plurality of base station that provide replay point for communication network)] and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data [see Chern, col.13, lines 12-21, (Alternatively, the program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)].

28. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chern's teachings of a system and method for attaching an advertisement to an SMS message for wireless transmission with the teachings of Martin Jr, for the purpose of updating scripts and/or prompts may be downloaded for server to handset [see Chern, col.6, lines43-45]. Thus, providing the motivation by stating that there exist a need to minimize the amount of memory required in handset, memory costs and airtime costs [see Chern col.6, lines 46-50].

29. As to claim 7, Martin, Jr discloses the invention substantially as claimed, Martin, Jr teaches including a mobile communication system, comprising: a portable information terminal unit [see Martin Jr, mobile device 106 of fig.1A, and col.5, lines 26-31, (Base station control radio or telecommunication links with mobile device 106)]; mobile stations capable of participating simultaneously in communication with said portable [(see Martin Jr, Base station 102 of fig.2A, and col.5, lines 23-25, col.6, lines 40-45, (mobile device 106 is capable of communicating wirelessly with antenna 108 by airnet 102, and the airnet communicates simultaneously with a plurality of mobile devices)]; a packet mobile switching center which is adapted to communicate with said mobile stations through a radio access network [see Martin Jr, col.5, lines 6-40](the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users); a packet mobile gateway switching center which is adapted to communicate with said packet mobile switching center through a mobile data network [gateway server see Martin Jr, in

fig.2A as link server 114, and see col.5, lines 40-67] (between landnet 100 and airnet 102 there is a server device 114 functioning as a bridge between the two networks and server 114, also referred to as a link server, proxy server, wireless data server or network gateway server); and a content server which is adapted to communicate with said packet mobile gateway switching center through the Internet [see Martin Jr, server 134, 132 communicate with link server 114 through the internet 104, and host server 128 with database 130, also see col.6, lines 52 to col.7, line 33] (database 130 can be an independent storage location or physically a part of host server). However, Martin Jr does not explicitly disclose a plurality of mobile station and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data.

30. In the same field of endeavor, Chern discloses (e.g., a system and method for attaching an advertisement to an SMS....wireless transmission). Chern discloses a plurality of mobile station [see Chern, col.5, lines 40-58, (network 140 is typically comprised of a plurality of base station that provide replay point for communication network)] and portable information unit is adapted to download or upload data from or to said content server through the plurality of mobile stations, wherein the data is divided into a plurality of pieces and each of the plurality of mobile station uploads or downloads only a portion of the plurality of pieces of the data [see Chern, col.13, lines 12-21, (Alternatively, the

program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)].

31. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Chern's teachings of a system and method for attaching an advertisement to an SMS message for wireless transmission with the teachings of Martin Jr, for the purpose of updating scripts and/or prompts may be downloaded for server to handset [see Chern, col.6, lines43-45]. Thus, providing the motivation by stating that there exist a need to minimize the amount of memory required in handset, memory costs and airtime costs [see Chern col.6, lines 46-50].

***Response to Arguments***

32. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments include the failure of previously applied art to expressly disclose the data uploaded or downloaded form the content server is divided into a plurality of pieces (see Applicant's response, Dated August 1, 2006, Page 7, 2<sup>nd</sup> paragraph). It is evident from the detailed mappings found in the above rejection(s) that Martin Jr, and Chern disclosed this functionality [see Chern, col.13, lines 12-21, (Alternatively, the program or portion of it could be stored on server 136 and downloaded to handset 130 as needed)]. Further, it is clear from the numerous teachings (previously and currently cited) that the provision for data uploaded or downloaded form the content server is divided into a plurality of pieces was widely implemented in the networking art. Thus, Applicant's arguments drawn toward

distinction of the claimed invention and the prior art teachings on this point are not considered persuasive.

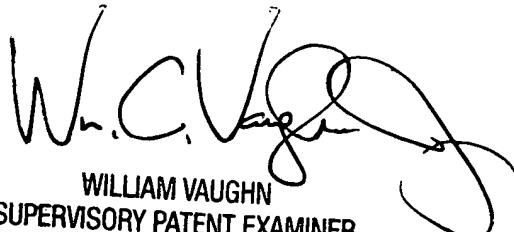
***Conclusion***

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammy T. Nguyen whose telephone number is 571-272-3929. The examiner can normally be reached on Monday - Friday 8:30 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *William Vaughn* can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TTN  
October 1, 2006



WILLIAM VAUGHN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100